


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

FILED

FEB 23 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

DR. JOHN ROE,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 5:22-CV-00869

RESPONSE TO DEFENDANTS' MOTION TO UNSEAL CASE

Upon further consideration by Plaintiff and counsel, Plaintiff does not object to the global unsealing of this matter along with the Complaint. However, Plaintiff maintains that he has met the standard for sealing with respect to subsequently-filed motions. The following is in support of Plaintiff's position:

1. Plaintiff filed the Complaint in this suit as well as motions to seal and proceed anonymously to protect the potential for any mosaic classification disclosure and his own personal safety given his long history supporting operations within our U.S. Government.
2. The sealing of the matter globally was primarily focused on protecting any perceived obligations to the classification rules set by the U.S. Government.
3. Given that the U.S. Government has no concerns with the global unsealing of the matter (and subsequent enrollment in ECF procedures) as well as the Complaint, Plaintiff does not object to that requested course of action (taking no position on the law or analysis in the Government's filing).

4. However, Plaintiff does maintain that he has met the standard for sealing subsequent motions as well as proceeding anonymously given the facts and issues described in both his Motion to Proceed Anonymously (“Anonymity Motion”) as well as his Motion to File Sealed Complaint and Seal the Complaint (“Case Sealing Motion”). He adopts those same facts and arguments contained within those filings and incorporates them herein.

5. Given the above, Plaintiff believes it appropriate that the Court keep under seal all motions, responses, and orders contained within the Anonymity Motion series as well as the Case Sealing Motion series.

6. Plaintiff does not believe the Defendants Motion to Dismiss needs to remain sealed as it constrains itself to the pseudonym within the Complaint.

7. Therefore, Plaintiff seeks the Court’s leave and requests that all currently filed pleadings and motions (absent the Complaint and burgeoning Motion to Dismiss series) filed during the global sealing of the matter remain sealed per filing. The basis of this request remains the same as stated in prior filings regarding the need for anonymity and sealing in the first place (e.g. safety of Dr. Roe).

8. Additionally, Plaintiff seeks this Court’s order that neither party shall file any matter unsealed that would reasonably identify Plaintiff outside the monicker, “Dr. John Roe.”

9. Plaintiff agrees that the access to electronic filing and case management will ensure greater efficiencies and case administration for all parties.

WHEREFORE, the Plaintiff does not object to the Government’s request to unseal the case and Complaint. But, Plaintiff respectfully requests that all subsequent motions remain sealed per filing aside from the Motion to Dismiss.

Dated: February 21, 2023

Respectfully Submitted,

/s/ John W. Hodges, Jr.

John W. Hodges, Jr., #2409167
Hendley & Hodges Law
29710 US Hwy 281 North, Ste 300
Bulverde TX 78163
Phone: (210) 714-0924

/s/ Jason R. Wareham

Jason R. Wareham, CO Bar No: 56974
Pro Hac Vice
The Law Center P.C.
300 Plaza Dr., Ste 200
Highlands Ranch CO 80129
303-991-5200
Litigation@thelawcenterpc.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on February 21, 2022, I filed the foregoing *Response to Defendants' Motion to Unseal the Case* by overnight U.S. Mail and served the same on all counsel of record via email.

/s/ Jason R. Wareham

Jason R. Wareham, CO Bar No: 56974
Pro Hac Vice
The Law Center P.C.
300 Plaza Dr., Ste 200
Highlands Ranch CO 80129
303-991-5200
Litigation@thelawcenterpc.com